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April 2, 2019

Via E-Filing

The Honorable Naomi Reice Buchwald
United States District Court for the Southern District of New York
500 Pearl St.
New York, NY 10007-1312

Re: ***Vuzix Corp. v. Ricardo Antonio Pearson, Case No. 1:19-cv-00689***
IMPROPERLY FILED AMENDED COMPLAINT IN STATE COURT

Dear Judge Buchwald:

As the Court is aware, Plaintiff in the above-referenced matter improperly filed its amended complaint in state court on March 13, 2019, before ultimately filing its amended complaint in federal court on March 19, 2019. Your Honor explicitly instructed Plaintiff's counsel to withdraw the state court-filed amended complaint in a telephone conference on March 14, 2019. Plaintiff's counsel failed to do so.

We write to inform the Court that Defendant has filed a letter with the state court, informing the court that Defendant does not intend to file a response to the amended complaint, as there is no active case in state court and therefore no active pleading requiring a response.

Respectfully submitted,

HOLLAND & KNIGHT LLP

/s/ Christine N. Walz

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SDNY admission application pending

Counsel for Richard J. Pearson

cc: *Counsel of Record for Vuzix Corp.*